

Chapter 14.100

SKYWALKS

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14.100.010 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter.

Skywalk shall mean a system composed of several elements for the movement of pedestrians above the street level within and between blocks of the City of Lincoln.

Elements of the skywalk shall mean elements which in total constitute a skywalk, including bridges, corridors, vertical access points, and nodes.

Bridges shall mean bridges which occupy space above public streets and alley rights-of-way. (Ord. 12095 § 2; September 19, 1977).

14.100.020 Who May Apply.

Any property owner, private or public, desiring to construct a skywalk bridge to expand an existing skywalk, or establish a new one may apply to the City of Lincoln for a permit to establish such bridge and skywalk. All skywalks duly established by resolution of the City Council are intended for the interblock and intrablock movement of pedestrians and shall be reserved for that purpose. (Ord. 12095 § 3; September 19, 1977).

14.100.030 Application Procedure.

All applications for skywalks shall be reviewed and approved by the city in the following manner:

(a) Preliminary plan: The applicant for a pedestrian skywalk permit shall provide five sets of preliminary plans and specifications for the proposed skywalk bridge structure, as well as other elements of the skywalk in accordance with the "Policy, Guidelines and Standards" as adopted by the City Council by resolution.

(b) Final plan: Upon approval of the preliminary plan, the applicant may submit for city's review and approval five sets of architectural and engineering plans for the skywalk, including an artist's rendering of the proposed skywalk bridge in place. The applicant shall also submit a cost-sharing agreement for construction, operation, and maintenance of the skywalk system, and a right-of-access agreement for continuity of the system properly executed by all property owners located within the blocks to be connected by skywalk bridges between the blocks. After receiving comments from other city departments and governmental agencies, the Downtown Advisory Committee, the Urban Design Committee and the Planning Director shall make recommendations on both preliminary and final plans to the Planning Commission for their review and recommendation to the City Council. (Ord. 12095 § 4; September 19, 1977).

14.100.040 Approval Procedure.

Each skywalk proposal shall be filed with the Planning Department in the required number of copies. The Planning Department, with the advice and cooperation of the Mayor's office and other city departments, as well as the Downtown Advisory Committee and the Urban Design Committee, shall consider the proposal with specific regard to the following aspects:

- (a) Consistency with the "Policy, Guidelines and Standards" for skywalks as adopted by the City Council by resolution;
- (b) Consistency with the Lincoln City-Lancaster County Comprehensive Regional Plan and the Lincoln Center Plan;
- (c) The necessity, location, design, and effect of the skywalk proposal upon surrounding property and pedestrian traffic flow; and
- (d) The applicable codes and ordinances of the City of Lincoln.

After considering each proposal, the Planning Department shall report its evaluation and recommendation to the Planning Commission, who shall review that recommendation and make a report on the proposal to the City Council. The City Council, after consideration of the report and recommendation of the Planning Commission and reports of the city departments, may grant the permit under such conditions as it determines will promote the public health, safety, and general welfare.

Each skywalk proposal shall be accompanied by a skywalk permit agreement which has been signed by the applicant and reviewed and approved by the City Attorney. Said agreement shall be entered into prior to the City Council's action on the permit and shall indicate the applicant's agreement with the terms and conditions of the permit. The permit agreement shall identify the location of the specific corridors and nodes within connecting blocks, vertical accesses, and all amenities proposed within the system, as well as the specific air space to be occupied by the skywalk bridge, and shall list the conditions of the skywalk permit, including provisions implementing the adopted "Policy, Guidelines and Standards" for pedestrian skywalks and any special provisions deemed necessary by the City Council to protect surrounding properties and the public interest. The permit agreement shall grant the right and requirement to construct, operate, and maintain the skywalk in accordance with the plans and specifications presented to and accepted by the City Council and in accordance with the conditions of said permit. (Ord. 12095 § 5; September 19, 1977).

14.100.050 Liability for Operation of a Skywalk.

The applicant for a pedestrian skywalk permit shall be required to:

(a) At all times maintain public liability insurance in the form of a commercial or comprehensive general liability policy, or an acceptable substitute policy form as permitted by the City Attorney, with a minimum combined single limit of \$500,000.00 aggregate for any one occurrence. The coverages required herein shall be subject to review and approval by the City Attorney for conformance with the provisions of this section;

(b) At all times keep on file with the City Clerk a current certificate of insurance signed by a qualified agent of an insurance company licensed to do business in the State of Nebraska and approved by the City Attorney for conformance with the provisions of this section evidencing the existence of valid and effective policies of insurance naming the city as an additional insured for the coverage required by subsection (a) of this section, the limits of each policy, the policy number, the name of the insurer, the effective date and expiration date of each policy, the deductibles or self-insurance retainers of each policy, and a copy of an endorsement placed on each policy requiring thirty day's notice by mail to the City Clerk before the insurer may cancel the policy for any reason, and upon request of the City Clerk or the City Attorney, a copy of any endorsements placed on such policies or the declarations page of such policies. Any termination, reduction or lapse of such insurance shall automatically revoke any permit issued pursuant hereunder. (Ord. 15654 § 18; July 9, 1990; prior Ord. 12095 § 6; September 19, 1977).

14.100.060 Fee for Skywalk Bridges.

Since it is in the public interest to foster a pedestrian skywalk system, no fee shall be charged for the use of air rights across the public rights-of-way for the purpose of establishing skywalk bridges for pedestrian use pursuant to the permit agreement. No commercial uses shall be permitted within the skywalk bridges unless an adequate fee is charged as determined by the City Council. If any skywalk bridge is to be privately owned, a fee for the use of space over the public right-of-way may be charged the permittee by the city as determined by the City Council. (Ord. 12095 § 7; September 19, 1977).

14.100.070 Term of Pedestrian Skywalk Permit.

All permits for pedestrian skywalks shall be for a period of twenty-five years, or for such other period as the City Council may provide in granting the skywalk permit. Each pedestrian skywalk permit shall be reevaluated at the end of the period for which the permit was issued and be subject to cancellation in the event that the City Council determines that continuation of the right of use granted by the permit is no longer in the public interest. Permittee may request a reevaluation of its skywalk permit by the City Council, and seek a renewal of its skywalk permit for twenty-five years without charge if the permit is at least twenty years old, or upon the payment of a \$500.00 fee if the permit is less than twenty years old. (Ord. 12160 § 1; December 19, 1978; prior Ord. 12095 § 8; September 19, 1977).

14.100.080 Termination of Skywalk Permit for Public Use.

In the event that at any time during the permit period, the City Council determines that air rights granted to the permittee pursuant to a permit granted herein for a skywalk bridge must be terminated for public purposes, the city may terminate such permit upon ninety days' notice to the permittee in writing. In the event that such termination occurs and is occasioned through no fault or action on the part of the permittee, the city will cause the pedestrian skywalk to be removed from the public air space at its own

costs and expense. In the event that the skywalk bridge to be terminated under this section is privately owned, the city will compensate the permittee for the loss of the use of the pedestrian skywalk for the remainder of the term of the permit on the basis of the actual construction cost amortized over the entire term of the permit. By accepting such permit and exercising the right granted hereunder, the permittee and his successors, designates, and assignees, and all adjoining property owners given access to the skywalk under such permit, shall agree to limit their claims for compensation to a proportionate sum to be derived under the method set forth hereinabove for determining the amount of just compensation for the loss of the use of the pedestrian skywalk. That method shall be the sole and exclusive method for measuring the total damages and just compensation to private property resulting from such an exercise of the rights of termination granted herein to the City of Lincoln. If the skywalk bridge to be terminated is publicly owned, there will be no compensation due to private property owners in the event of termination. (Ord. 12095 § 9; September 19, 1977).

14.100.090 Revocation of Permit and Removal of Skywalk.

If the skywalk bridge is not available for public use for a continuous period of six months, or is not being properly maintained by the permittee, or the required insurance is allowed to lapse, or any of the conditions of the permit are not met, then the permit and all of the permittee's rights therein shall be suspended until such time as the deficiencies are corrected. If after six months from the date written notice of said deficiencies is communicated to the permittees by the city said deficiencies have not been corrected, the City Council may revoke the permit by resolution. When a permit is revoked under the circumstances set forth herein above, then all rights under the permit shall cease. If the city shall so require, the permittee shall forthwith remove the structure from the air space over and above the public rights-of-way at their sole cost and expense and return that air space to the City of Lincoln free and clear of all structures or encroachments of any type at no expense to the city. If a removal has been requested and the said removal is not complete within six months after revocation of the permit, the City Council may cause the skywalk bridge to be removed, and the costs of such removal shall become a lien against the property of the permittees. The permittees may request of the City Council an extension of any of the time limits in this section. The same may be granted at the sole discretion of the City Council. (Ord. 12095 § 10; September 19, 1977).

14.100.100 Removal of Skywalk by Permittee.

The permittee and/or its successors, designates, and assignees may remove a skywalk bridge established under the authority of its skywalk permit from the public air space with the concurrence of the City Council. All obligations of such permittee shall cease upon completion of the removal of the pedestrian skywalk at the sole cost and expense of said permittee and upon return of the air space to the city free and clear of all structures or encroachments of any kind. (Ord. 12095 § 11; September 19, 1977).

14.100.110 Security.

Surveillance for the security and safety of the skywalk shall be the responsibility of the permittee(s). (P.C. § 14.100.101; Ord. 12095 § 12; September 19, 1977).

14.100.120 Skywalks; Publicly Owned Portions; Prohibited Acts.

No person, within any skywalk or portion thereof under public ownership or dedicated to the use of the public by easement or otherwise, shall:

(a) Sit, kneel, lounge, or recline upon any floor, stair, radiators, or any other fixture thereof;
or

(b) Stand upon any radiator, seat, or other fixture; or

(c) Bring or transport any animal, as defined in Section 6.04.010 of the Lincoln Municipal Code, in or upon such skywalk or allow any such animal under the ownership, care, custody, or control of such person to come upon or be within such skywalk. This prohibition shall not apply to dog guides for the deaf or blind, or to police dogs of any law enforcement agency. (Ord. 15542 § 1; May 14, 1990: Ord. 13493 § 3; November 8, 1982).